



## **Zoning Administrator**

# **NOTICE OF DECISION**

**On PCC-12-082, Eastlake YMCA  
2311 Boswell Road, Ste. 7, Chula Vista Ca.**

Notice is hereby given that the Zoning Administrator has considered a request by the South Bay Family YMCA for approval of a Conditional Use Permit to establish a facility for a gymnastics program, wellness center, group exercise, multi-purpose space and related support facilities, located within a 34,911 square-foot, one story suite in an existing multi-tenant industrial building. The Project includes use of 74 parking spaces in the existing parking lot. The Project site is located in the Eastlake Business Center at 2311 Boswell Road, Ste. 7, Chula Vista Ca. (APN: 595-300-05-00; 595-300-06-00).

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 and Section IV.1 (J) of the Eastlake Business Center SPA, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

### **Findings of Fact are as follows:**

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed facility will provide additional program space for the YMCA to relocate and expand its gymnastics program from another facility, and add the following services and facilities: a wellness center, group exercise, multi-purpose space, health and fitness programs, and related support facilities that will provide a significant benefit to the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The site is located approximately 350 feet south of an existing single-family residential neighborhood to the north. However, the use will be compatible with the neighborhood for the reasons discussed below. First, it will be conducted completely indoors, seven days a week, during the daytime on weekends and in the afternoon

and early evening hours on weekdays. The site has exclusive use of 74 on-site parking spaces, which is the amount required by the zoning to serve the use. The project includes roof-mounted HVAC units and fans, but the noise generated would not adversely affect the surrounding neighborhood because a condition of approval requires that the project complies with CVMC 19.68, Performance Standards and Noise Control. Truck traffic generated by an adjacent trucking business would not affect the project's customers and employees because a condition of approval has been included requiring that the truck traffic utilize the westerly of two on-site driveways, while the Project's automobile traffic would utilize the easterly of the two driveways, to reduce potential traffic conflicts. Also, signage is required to be installed warning drivers of pedestrian and truck traffic on site. These conditions of approval would ensure that the project will be compatible with, and minimize any potential adverse impacts to the adjacent businesses and residences. For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

**3. That the use will comply with the regulations and conditions specified in the code for such use.**

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Municipal Code for uses established under PCC-12-082.

**4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The Project proposes recreational services and facilities for the community. The Project proposes a temporary use within an existing building that will operate for a period of 5 years, until long-term permanent space is available. Temporary uses are permitted in the Business Center - 2 Land Use District of the Eastlake Business Center SPA. Therefore, the use is consistent with and will not alter the land use patterns or in any way adversely effect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-12-082 as described above subject to the following conditions. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-12-082 approved plans submitted February 7, 2013, which include site plans and floor plans on file in the Planning Division, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

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Signature of Property Owner

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Date

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Signature of Applicant

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Date

3. Submit a revised site plan in conjunction with the building permit application showing the following amendments to the site plan:
  - a. That 74 parking spaces shall be provided for exclusive use of project;
  - b. A traffic flow diagram, subject to approval by the City Traffic Engineer, showing that truck access and egress from the westerly on-site driveway, and that YMCA traffic will utilize the easterly of the two driveways;
  - c. Installation of two directional signs, one at each driveway entrance, including the following: (1) Directing truck traffic to use the westerly on-site driveway, and (2) Directing drivers to exercise caution due to pedestrians, truck traffic and truck loading operations in adjacent on-site suites.
4. Provide written evidence from the property owner Eastgroup Properties, LP, that documents that the owner has approved the use of 74 parking spaces and installation of signage by the YMCA.
5. Obtain approval of a Sign Permit for any proposed signs, including directional signs for traffic and business identification signs.
6. Prior to final inspection, the applicant shall submit an operational noise analysis prepared by a qualified noise consultant to the satisfaction of the Director of

Development Services. The noise analysis shall demonstrate that the roof-mounted HVAC and fan equipment complies with the City noise control ordinance exterior noise thresholds of 45 dBA Leq (one hour) during nighttime hours and 55 dBA Leq (one hour) during daytime hours, or ambient noise levels, whichever is greater, measured at the adjacent single-family residential property boundary north of the project site. Daytime hours are defined as 7 am–10 pm weekdays and 8 am–10 pm weekends. Nighttime hours are defined as 10 pm–7 am weekdays and 10 pm–8 am weekends. If the noise analysis identifies a potential noise impact, the noise-generating equipment on the project shall be modified to include appropriate noise abatement.

#### BUILDING DIVISION

7. Prior to use or occupancy, the Applicant shall obtain approval of Building Permit B13-0267. The building permit shall comply with all applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, 2010 Fire Code, 2008 California Energy Code, and 2010 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista.

#### FIRE DEPARTMENT

8. The building(s) shall be addressed in accordance with the following criteria:
  - a. 0 – 50ft. from the building to the face of the curb = 6 inches in height with a 1-inch stroke.
  - b. 51-150 ft. from the building to the face of the curb = 10 inches in height with a 1-1/2 inch stroke.
9. The Applicant shall provide building plans showing any modifications required to the automatic sprinkler system and the fire alarm system that are needed to comply with the applicable California Fire Code. Building plans shall be provided to the Fire Department for approval prior to any modifications, showing that the automatic sprinkler system and the fire alarm system are deferred submittals.
10. The building plans shall show that commercial cooking equipment that produces grease-laden vapors will be provided with a Type I hood and an automatic fire extinguisher system that is listed and labeled for its intended use.
11. The building plans shall show fire extinguishers. One portable fire extinguisher shall be provided for every 3000 square feet and 75 feet of travel in any direction.

LAND DEVELOPMENT DIVISION

12. The Applicant shall pay the following Engineering fees at the timeframe specified below, to the satisfaction of the Development Services Director. The fees may be adjusted because the project is changing the use of the building from industrial to community purpose facility (Form 5509-Development Checklist for Municipal Code Requirements):


- Sewer Connection and Capacity fees prior to issuance of the building permit for the project.
- Traffic signal fees prior to issuance of the certificate of occupancy for the project.

Upon certification by the Director of Development Services for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

13. This permit shall expire five years after the date of approval, unless the applicant has previously applied for or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval and shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.
14. Hours of operation shall be limited to Monday-Friday 5:00 am to 10:00 pm, Saturdays 7:00 am to 7:00 pm, and Sundays 7:00 am to 5:00 pm.
15. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
16. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
17. This Conditional Use Permit authorizes only the use specified in the application for PCC-12-082. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.

18. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
19. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
20. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by the Zoning Administrator, Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.
21. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 23rd day of May, 2013.

  
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Mary Ladjiana,  
Zoning Administrator